



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

MINUTES

City Council Business Meeting
Council Chambers, 38 Hawley Street, Binghamton, N.Y.
Wednesday April 3, 2013

CALL TO ORDER

Called to order by Council President Rennia at 6:29pm.

PLEDGE OF ALLEGIANCE

Council President Rennia led the Pledge of Allegiance.

MOMENT OF SILENCE

Council President Rennia requested all present to stand for a moment of silence in honor of the victims of the shooting at the American Civil Association on April 3, 2009. The following statement was read into the record:

Four years ago today our community experience one of our darkest days. That was the day that Binghamton joined the sad ranks of communities affected by an act of senseless violence, a mass shooting at the American Civic Association. Let us join now in observing a moment of silence to remember the victims, their surviving loved ones, and all of the first responders from that day.

ROLL CALL

Present: Joseph Mihalko, Jerry Motsavage, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo

Absent: Bill Berg

Also in attendance: Allison Sosa, 2nd Assistant Corporation Counsel; Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk

REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion to approve the minutes from the City Council Business Meeting held on March 20, 2013.

Moved by Motsavage, seconded by Webb.

Voice vote, none opposed.

Councilwoman Webb noted for the record that Binghamton City Council's Planning and Community Development Committee will meet on Monday April 15, 2013 at 5:00pm to discuss RL 12-133, entitled "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock".

Councilwoman Webb noted for the record that Binghamton City Council's Employees Committee, chaired by Councilman Bill Berg, will meet on Wednesday April 17, 2013 at 5:30pm to discuss residency requirements for employees of the City of Binghamton.

Councilman Motsavage noted for the record that Binghamton City Council's Special Studies/Rules and Procedures Committee, chaired by Councilman Berg, will meet on Wednesday April 17th at 4:30pm to discuss alternative police patrol options.



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The above mentioned meetings will be held in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall, 38 Hawley Street, Binghamton, NY. For more information, please contact the City Clerk by phone at (607) 772-7005, or by email at clerk@cityofbinghamton.com.

RECOGNITIONS AND ACKNOWLEDGEMENTS

Proclamations in honor of the following City of Binghamton employees upon their retirements were read into the record: Keith Heron, Richard Bocek, Gary Zenzel, Philip Kane, Mark Blakeslee.

PUBLIC HEARING

Introductory Ordinance 13-28, Considered in Planning & Community Development, Chair: Webb

An Ordinance amending chapter 265-6, Rental Registration

Note: Notice of this public hearing was published in the Press & Sun Bulletin on March 28, 2013.

In Favor: Maggie Laskoski-George, Mary Webster, Amy Shapiro, Mary Anderson, Marilynn Desmond and Gerald Kutcher¹, Shirley McCormack², Sean Massey³, Shelly Otero⁴

Opposed: None

¹*Note: Marilynn Desmond and Gerald Kutcher submitted the following email to the City Clerk's Office on April 3, 2013. The original email is attached to these minutes.*

Dear City Council members:

We are longtime residents on the Westside, though at the moment we are abroad on a university-related trip. Please read this message into the record at tonight's hearing.

Rental registration is urgently needed in Binghamton in order to assure that the housing stock is maintained. Our block (Lower Lincoln) is about half rental units, half owner-occupied. All it takes is a glance at each unit to tell which is which. Currently there is no incentive for landlords to maintain their property, and code enforcement is an inefficient way to assure that landlords obey the law. We have had several unscrupulous landlords on our block, and consequently some of the housing stock in our neighborhood is rapidly decaying--several rental units may soon be beyond repair. I fear that blight will soon follow and negatively impact the owner-occupied units.

With rental registration, landlords will be forced to follow code; in the end, we will all benefit from better landlord practices. Rental registration will allow the city to penalize—and eventually discourage—landlords who do not intend to take care of their property. It is a critical first step to the preservation of our neighborhoods. We urge you to implement rental registration as soon as possible.

Sincerely,
Marilynn Desmond
Gerald Kutcher

²*Note: Shirley McCormack submitted the following email to Council President Rennia on April 3, 2013. The original email is attached to these minutes.*

I am in favor of landlords having to register their properties citywide so the city can know who they are and how well they take care of them.



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Shirley McCormack
52 Chestnut Street

³*Note: Sean Massey submitted the following email to the City Clerk's Office on April 3, 2013. The original email is attached to these minutes.*

Dear Honorable Members of City Council,

First, my apologies for not delivering this message in person. I am not feeling well today and am unable to attend the council business meeting.

As one of the council members who worked for almost two years to put together the rental registration legislation being discussed tonight, I want to encourage the current council to move forward with the amendments and the implementation of the program.

In the spring of 2008, the Mayor and City Council implemented the Partnership for Change initiative to address the most pressing issues impacting on municipal finance. As part of this effort, they established the Commission on Housing & Home Ownership to review best practices for increasing homeownership; to identify strategies to promote and retain responsible local landowners and incentivize student housing in appropriately zoned neighborhoods; and to discuss strategies in improving quality of life and building healthy neighborhoods. The commission was comprised of homeowners, landlords, tenants, students, and also included the Director of the Off-Campus College (a department responsible for the conduct and safety of students living off campus). In developing its recommendations, the Commission considered the concerns of the various neighborhood stakeholders, including: residents, landlords, student and non-student renters, business owners and the City of Binghamton. The Commission report is available on the City's website.

Following the release of the Commission report, a committee was established, that included representatives from the various stakeholder groups as well as representatives from City Council, Corporation Counsel, Building and Code, and the City's Planning Department, to strategize about how best to implement the recommendations of the Commission on Housing & Homeownership. After more than a year of discussion, debate, drafts, revisions, and more debates, an omnibus legislative package was proposed that included a four part strategy, a "diplomatic solution" that met the needs and addressed the concerns of the different community stakeholders. The rental registration program being discussed tonight was meant to be implemented along with legislation clarifying the functional family definition, the designation of an urban village overlay district on the West Side, and the creation of a new use designation for rental property called a co-tenancy dwelling unit.

As public records point out, the administration and council came to an agreement to first move forward with the urban village overlay and the rental registration program. Both were voted on and passed by Council and signed into law by the Mayor. Council and the Administration agreed on an implementation deadline of June, 2012 (this deadline was pushed back 6 months and then again until May, 2013). The Administration also asked that the co-tenancy dwelling unit and clarification of the functional family, which needed to be passed together, be delayed until further study of the implications of the new use were better understood.

One of the primary reasons I aligned myself with this administration during my 4 years on council was its commitment to



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civic engagement. The recommendations that comprise this legislative package are the result of the efforts of numerous smart committed volunteers and the hard work of members of City Council and the Administration. At the time, we all understood that these were challenging reforms, but necessary to meet the laudable goals of the Commission report. Please honor the labor and insights of these committed individuals and implement this legislation.

Sincerely,
Sean G. Massey
Former member of City Council and City resident
Park Avenue, Binghamton

⁴*Note: Shelley Otero submitted the following email to Council President Rennia on April 3, 2013. As the email included the name and personal details of a third party not involved in this public hearing, the individual's name was not included in the record on the advice of Corporation Counsel. The redacted email is attached to these minutes.*

To the members of City Council:

Hello, my name is Shelly Otero. I am writing today to give you a firsthand experience of why we need more landlord accountability in the City of Binghamton. I live on 27 Lincoln Avenue with my husband and two small children. I am a life-long resident of the City of Binghamton. My family, the Van Attas, grew up on Binghamton's West Side. I have always been very proud to call Binghamton my home. This sentiment, however, has changed in the last few years. As a runner, I have a vantage point to see many Binghamton properties up close. Every year as I run all over the City of Binghamton, I see more and more properties fall into neglect. It is very depressing and disheartening to see the place where I grew up and now raising [sic] my own children decline year after year.

When I moved to Lincoln Avenue in 2006, it was an easy decision for my family and me. The neighborhood was clean, beautiful, had well-kept homes, nice neighbors and an overall sense of well-being. Unfortunately, that all changed when a Brooklyn man named [removed] bought a 2 (or 3 family home—still in question) two doors down from our home in 2008. He housed numerous people—some who were fugitives and proceeded to blatantly sell drugs out of this home. Recently, [removed] was tried and found not guilty on a murder charge this past year. [Removed]'s property—23 Lincoln—was a home very similar to mine in architecture—a quaint early 20th century home with character and charm. Under [removed]'s ownership, his property become more and more unsightly and filthy: multiple code violations, garbage spilling out of the backyard garage and surrounding both sides of the house, not to mention the constant drug trafficking in and out of the home. The neighbors and I called code enforcement multiple times and reported these violations. The current property manager who is taking care of the property now has since cleaned up the mess and fixed any structural code issues. He also reported that before renovations started inside, they had to get an exterminator to rid the place of mice. He said the property inside was filthy and disgusting. Had [removed] not been arrested and imprisoned as a suspect in a murder charge, he would still be living there most likely conducting his "business" as usual. After his acquittal, he decided to move out of the area and has given control of his home over to a local property manager. Our neighborhood has returned to "normal" and we couldn't be happier, but for how long? If or when he does return, what then?

Other than my situations, it's just common sense. Nice, hard-working, tax-paying residents do not want to live near a property where there is neglect. What kind of people are going to want to live in such a filthy place? If a landlord is a good, decent person, they should expect to have these kinds of accountabilities in place. If something doesn't change, Binghamton properties owned by careless landlords will continue to decline and more families like mine will want to



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move out of Binghamton entirely. Please, I ask for your full support of the legislation regarding Rental Registration in the City of Binghamton.

Thank you for your time today.

Sincerely,
Shelly Otero
27 Lincoln Avenue
Binghamton, NY 13905

APPROVAL OF MAYORAL APPOINTMENTS

Motion to approve the appointment of Megan Lollie to the Binghamton Human Rights Commission.

Moved by Motsavage, seconded by Webb.

Voice vote, none opposed.

PUBLIC COMMENT/COMMUNICATIONS

None

FIRST READING LEGISLATION

Introductory Local Law 13-1, Considered in Employees, Chair: Berg

A Local Law amending the appointment and term of the City Engineer

Note: Notice of the public hearing was published in the Press & Sun Bulletin on March 15, 2013.

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Local Law 13-1 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None

Absent: Berg

Introductory Ordinance 13-22, Considered in Planning & Community Development, Chair: Webb

An Ordinance authorizing the sale of 37 Pine Street (Greenman Senior Center) to Opportunities for Broome for \$75,000

Note: Notice of the public hearing was published in the Press & Sun Bulletin on March 15, 2013. Public hearing occurred at the Business Meeting held on March 20, 2013.

1. Motion to approve legislation.

Moved by Webb, seconded by Motsavage.

2. Motion to hold legislation until the Business Meeting held on April 17, 2013.

Moved by Webb, seconded by Motsavage.

Voice vote, none opposed. Legislation held.

Introductory Ordinance 13-25, Considered in Finance, Chair: Webb

An Ordinance amending the Water Department final reading closing fees

Note: Councilwoman Webb requested that her name be added to the sponsor list.

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

Motion carried. Legislation adopted as Permanent Ordinance 13-24 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo



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Nays: None
Absent: Berg

Introductory Ordinance 13-26, Considered in Finance, Chair: Webb

An Ordinance amending the Water Department frozen meter fees

Note: Councilwoman Webb requested that her name be added to the sponsor list.

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

Motion carried. Legislation adopted as Permanent Ordinance 13-25 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None
Absent: Berg

Introductory Ordinance 13-27, Considered in Finance, Chair: Webb

An Ordinance authorizing various budget transfers in the 2013 budget

Note: Councilwoman Webb requested that her name be added to the sponsor list.

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-26 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None
Absent: Berg

Introductory Resolution 13-36, Considered in Finance, Chair: Webb

A Resolution authorizing the Mayor to enter into an agreement with VINES for the use of FY 38 CDBG funding in an amount not to exceed \$25,000 to implement the Urban Agriculture Training Project

Note: Councilwoman Webb requested that her name be added to the sponsor list.

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

Motion carried. Legislation adopted as Permanent Ordinance 13-36 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None
Absent: Berg

Introductory Resolution 13-37, Considered in Finance, Chair: Webb

A Resolution authorizing an amendment to the 2012 tax roll for 20 Hawley Street

Note: Councilwoman Webb requested that her name be added to the sponsor list.

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-37 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None
Absent: Berg

Introductory Resolution 13-38, Considered in Finance, Chair: Webb

A Resolution authorizing the Mayor to enter into an agreement with Delta Engineers for professional services related to design modifications to PIN 9752.74, Front Street Reconstruction under the Norfolk Southern Railroad

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-38 (Vote 6-0-1)



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Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None

Absent: Berg

Introductory Resolution 13-39, Considered in Employees, Chair: Berg

A Resolution amending the agreement between the City of Binghamton and International Brotherhood of Teamsters AFL-CIO, Local 693 (Supervisory Unit) Teamsters Supervisors for 2013

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-39 (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo

Nays: None

Absent: Berg

COMMUNICATIONS FROM COUNCIL MEMBERS

Motsavage, Mihalko, Webb, Papastrat, Matzo, Rennia

ADJOURNMENT

Motion to adjourn at 7:31pm.

Moved by Mihalko, Motsavage.

Voice vote, none opposed.

Holmes, Angela

From: Teri Renna [TRenna@enviren.com]
Sent: Wednesday, April 03, 2013 1:34 PM
To: Holmes, Angela
Subject: FW: Registration of Rental Properties

I wanted to make sure that you received this one as well.

From: Shirley A. McCormack [<mailto:mshirleymac@aol.com>]
Sent: Wednesday, April 03, 2013 1:32 PM
To: Teri Renna
Subject: Registration of Rental Properties

I am in favor of landlords having to register their properties citywide so the city can know who they are and how well they take care of them.

Shirley McCormack
52 Chestnut St.

Holmes, Angela

From: Marilyn R Desmond [mdesmon@binghamton.edu]
Posted At: Wednesday, April 03, 2013 3:53 AM
Conversation: Rental registration
Posted To: City Council

Subject: Rental registration

Dear City council members:

We are longtime residents on the Westside, though at the moment we are abroad on a university-related trip. Please read this message into the record at tonight's hearing.

Rental registration is urgently needed in Binghamton in order to assure that the housing stock is maintained. Our block (Lower Lincoln) is about half rental units, half owner-occupied. All it takes is a glance at each unit to tell which is which. Currently there is no incentive for landlords to maintain their property, and code enforcement is an inefficient way to assure that landlords obey the law. We have had several unscrupulous landlords on our block, and consequently some of the housing stock in our neighborhood is rapidly decaying--several rental units may soon be beyond repair. I fear that blight will soon follow and negatively impact the owner-occupied units.

With rental registration, landlords will be forced to follow code; in the end, we will all benefit from better landlord practices. Rental registration will allow the city to penalize--and eventually discourage--landlords who do not intend to take care of their property. It is a critical first step to the preservation of our neighborhoods. We urge you to implement rental registration as soon as possible.

Sincerely,
Marilynn Desmond
Gerald Kutcher

Holmes, Angela

From: Sean Massey [sean@tranquilbarbistro.com]
Sent: Wednesday, April 03, 2013 5:59 PM
To: Holmes, Angela
Cc: Rennia, Teri
Subject: Statement to City Council (to be read during public comment)

Dear Honorable Members of City Council,

First, my apologies for not delivering this message in person. I am not feeling well today and am unable to attend the council business meeting.

As one of the council members who worked for almost two years to put together the rental registration legislation being discussed tonight, I want to encourage the current council to move forward with the amendments and the implementation of the program.

In the spring of 2008, the Mayor and City Council implemented the Partnership for Change initiative to address the most pressing issues impacting on municipal finance. As part of this effort, they established the Commission on Housing & Home Ownership to review best practices for increasing homeownership; to identify strategies to promote and retain responsible local landowners and incentivize student housing in appropriately zoned neighborhoods; and to discuss strategies in improving quality of life and building healthy neighborhoods. The commission was comprised of homeowners, landlords, tenants, students, and also included the Director of the Off-Campus College (a department responsible for the conduct and safety of students living off campus). In developing its recommendations, the Commission considered the concerns of the various neighborhood stakeholders, including: residents, landlords, student and non-student renters, business owners and the City of Binghamton. The Commission report is available on the City's website.

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One of the primary reasons I aligned myself with this administration during my 4 years on council was its commitment to civic engagement. The recommendations that comprise this legislative package are the result of the efforts of numerous smart committed volunteers and the hard work of members of City Council and the Administration. At the time, we all understood that these were challenging reforms, but necessary to meet the laudable goals of the Commission report.

Please honor the labor and insights of these committed individuals and implement this legislation.

Sincerely,

Sean G. Massey

Former member of City Council and city resident
Park Avenue, Binghamton

SEAN MASSEY, CO-OWNER

Tranquil Bar & Bistro

36 Pine Street

Binghamton, NY 13901

(607) 245-9740

sean@tranquilbarbistro.com

April 3, 2013

To the members of City Council:

Hello, my name is Shelly Otero. I am writing today to give you a first-hand experience of why we need more landlord accountability in the city of Binghamton. I live on 27 Lincoln Avenue with my husband and two small children. I am a life-long resident of the city of Binghamton. My family, the Van Atta's grew up on Binghamton's west side. I have always been very proud to call Binghamton my home. This sentiment, however, has changed in the last few years. As a runner, I have a vantage point to see many Binghamton properties up close. Every year as I run all over the city of Binghamton, I see more and more properties fall into neglect. It is very depressing and disheartening to see the place where I grew up and now raising my own children decline year after year.

When I moved to Lincoln Avenue in 2006, it was an easy decision for my family and me. The neighborhood was clean, beautiful, had well-kept homes, nice neighbors and an overall sense of well-being. Unfortunately, that all changed when a Brooklyn man named [REDACTED] bought a 2 (or 3 family home-still in question) two doors down from our home in 2008. He housed numerous people--- some who were fugitives and proceeded to blatantly sell drugs out of this home. Recently, [REDACTED] was tried and found not guilty on a murder charge this past year. [REDACTED]'s property-- 23 Lincoln-- was a home very similar to mine in architecture- a quaint early 20th century home with character and charm. Under [REDACTED]'s ownership, his property became more and more unsightly and filthy: multiple code violations, garbage spilling out of the backyard garage and surrounding both sides of the house, not to mention the constant drug trafficking in and out of the home. The neighbors and I called code enforcement multiple times and reported these violations. The current property manager who is taking care of the property now has since cleaned up the mess and fixed any structural code issues. He also reported that before renovations started inside, they had to get an exterminator to rid the place of mice. He said the property inside was filthy and disgusting. Had [REDACTED] not been arrested and imprisoned as a suspect in a murder charge, he would still be living there most likely conducting his "business" as usual. After his acquittal, he decided to move out of the area and has given control of his home over to a local property manager. Our neighborhood has returned to "normal" and we couldn't be happier, but for how long? If or when he does return, what then?

Other than my situation, it's just common sense: Nice, hard-working, tax-paying residents do not want to live near a property where there is neglect. What kind of people are going to want to live in such a filthy place? If a landlord is a good, decent person, they should EXPECT to have these kinds of accountabilities in place. If something doesn't change, Binghamton properties owned by careless landlords will continue to decline and more families like mine will want to move out of Binghamton entirely. Please, I ask for your full support of the legislation regarding **Rental Registration** in the city of Binghamton.

Thank you for your time today.

Sincerely,

Shelly Otero
27 Lincoln Avenue
Binghamton, NY 13905